IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 14425 of 2003**

Between:

1 Smt. Palla Saradamma, W/o. P.V. Subbarayudu,
Pulivendla Mandal, Cuddapah District.
2 Kambam Jayasankara Reddy, S/o. Rami Reddy,
Pulivendla Mandal, Cuddapah District.
3 Rayapati Babaiah, S/o. Pedda Fakruddin
Pulivendla Mandal, Cuddapah District.
4 Dondla Vaghu Suryanarayana, S/o. Adinarayana,
Pulivendla Mandal, Cuddapah District.
5 Kunchepu Gangaraju, S/o. Gangulappa,
Pulivendla Mandal, Cuddapah District.

**..... PETITIONERS**

AND

1 The Govt. of Andhra Pradesh,Co-Operation Department,Rep by its Secretary,
Secretariat, Hyderabad.
2 The Commissioner of Co-Operation and Registrar of Co-Operative Societies,
Nampally, Hyderabad.
3 The District Co-Operative Central Bank Ltd.,Rep by its General Manager,
Cuddapah
4 The District Co-Operative Officer,
Cuddapah District.
5 The Divisional Co-Operative Officer Proddatur,
Proddatur,Cuddapah District.
6 Yerraballi Primary Agriculture Co-Op. Society,Rep by its Chairperson
Yerraballi Pulivendula Mandal, Cuddapah District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the Respondents to pay salaries to the Petitioners without reference to Sec. 116-C of the Act, and pass such other order

**Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY**

**Counsel for the Respondents No.1,2, 4 & 5: G.P. for Co-operation.**

**Counsel for the Respondent No3.: SMT.KAVITHA GOTTIPATI**

**Counsel for the Respondent No.6 : --None--**

**The Court made the following :**

:ORAL ORDER:

Petitioners are employees of the 6th respondent—Primary Agricultural Co-operative Society. They are aggrieved that they have not been paid salaries since June, 2003. They admit the financial inability of the 6th respondent-PACS to pay the salaries in terms of the fiscal discipline mandated by Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act'). The writ petitioners do not establish any liability of the State or its agencies to pay salaries to the petitioners. The 6th respondent-PACS is also not a State within the meaning of Article 12 of the Constitution of India. In the circumstances, no relief could be granted to the petitioners. The writ petition is misconceived and is accordingly dismissed. The writ petitioners are, however, entitled to pursue available alternative remedy in accordance with law. No costs.

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GODA RAGHURAM, J

Dated: 27-07-2004

Pvks/*

To

1 The Secretary, the Govt. of Andhra Pradesh,Co-Operation Department, Secretariat, Hyderabad.
2 The Commissioner of Co-Operation and Registrar of Co-Operative Societies, Nampally, Hyderabad.
3 The General Manager, the District Co-Operative Central Bank Ltd., Cuddapah
4 The District Co-Operative Officer, Cuddapah District.
5 The Divisional Co-Operative Officer Proddatur, Proddatur,Cuddapah District.
6 The Chairperson, Yerraballi Primary Agriculture Co-Op. Society, Yerraballi Pulivendula Mandal, Cuddapah District.

7 .2CCs to the learned Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

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